

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JAMES PHILLIP WALDRON

Plaintiff,

and

BUNDREN LAW GROUP PLLC

Plaintiff-Intervenor,

V.

AT&T, INC.;

BENNIE G. THOMPSON, in his
official capacity as Chair of the
Select Committee to Investigate the
January 6th Attack on the United
States Capitol;

ELIZABETH L. CHENEY, in her
official capacity as a member of the
United States House of
Representatives;

ADAM B. SCHIFF, in his official capacity as a member of the United States House of Representatives;

Civil Action No. 4:22cv317-ALM

Judge Mazzant

PLAINTIFF’S AND
INTERVENOR’S UNOPPOSED
MOTION TO DISMISS CLAIMS
WITH PREJUDICE

JAMES B. RASKIN, in his official
capacity as a member of the United
States House of Representatives; §
§
§

SUSAN E. LOFGREN, in her
official capacity as a member of the
United States House of
Representatives; §
§
§
§

ELAINE G. LURIA, in her official
capacity as a member of the United
States House of Representatives; §
§
§
§

PETER R. AGUILAR, in his official
capacity as a member of the United
States House of Representatives; §
§
§
§

STEPHANIE MURPHY, in her
official capacity as a member of the
United States House of
Representatives; §
§
§
§

ADAM D. KINZINGER, in his
official capacity as a member of the
United States House of
Representatives; §
§
§
§

and §
§

The “SELECT COMMITTEE TO
INVESTIGATE THE JANUARY
6th ATTACK ON THE CAPITOL
OF THE UNITED STATES,” a body
established by the United States
House of Representatives, §
§
§
§

Defendants. §
§

COME NOW Plaintiff James Phillip Waldron and Intervenor Bundren Law Group PLLC, (“the Parties”), who file this Unopposed Motion to Dismiss Claims with Prejudice as to all Defendants related to the particular subpoena, described below, issued by Defendant The Select Committee to Investigate the January 6th Attack on the Capitol of the United States (the “Committee”) and served upon Defendant AT&T, Inc. for Plaintiff’s account records, and would respectfully show the Court as follows:

1. This is a removal case from the 471st District Court, Collin County, Texas. Defendant AT&T filed its Notice of Removal on April 15, 2022 (Doc. 1). Plaintiff filed a new Complaint to conform to the federal pleading rules on May 31, 2022 (Doc. 10). Intervenor Bundren Law Group PLLC filed its complaint in intervention on July 20, 2022 (Doc. 18). Defendant filed its Motion for Joinder or, in the Alternative, to Dismiss Under Rule 12(b)(6) (“Defendant Motion”) on June 30, 2022 (Doc. 15). Plaintiff filed his First Amended Complaint for Declaratory and Injunctive Relief, joining the Committee and each of its members, on August 20, 2022 (Doc. 22). Neither the Committee nor any of its respective members entered an appearance or filed a responsive pleading within the time permitted by law.

2. The Parties filed their respective complaints seeking declaratory judgment and injunctive relief related to that certain subpoena issued by Defendant

Committee and served upon Defendant AT&T, Inc. (“AT&T”) for all subscriber information related to a cellular telephone account for Plaintiff Waldron, dated February 1, 2022, and attached as Exhibit 1 to Plaintiff’s First Amended Complaint (Doc. 22) (“Subpoena”).

3. On December 16, 2022, Plaintiff received correspondence from Defendant AT&T attaching a letter from the Committee’s Chairman, Bennie G. Thompson, formally withdrawing the Subpoena, representing that the Committee “will not attempt to obtain in the future any covered documents or information,” and releasing AT&T from any obligation to comply with the subpoena (“Letter”). A copy of the Letter is attached hereto as Exhibit 1.

4. On December 21, 2022, counsel for Plaintiff sent correspondence to the General Counsel of the U.S. House of Representatives, serving as counsel for the Committee and its individual members in this action (“Committee Counsel”), to confirm the authenticity of the Letter and representations therein, and Committee Counsel confirmed on the same date that the Letter is genuine.

5. Because the Subpoena which formed the basis for this action has been withdrawn, and the issuing parties have represented that no further process will be issued in the future for the subpoenaed records, the Plaintiff’s and Intervenor’s claims as to the Subpoena have become moot. Accordingly, Plaintiff and Intervenor move this Court to declare the claims to be moot in light of the Committee’s

withdrawal of the Subpoena, and to therefore dismiss with prejudice their claims related to the Subpoena.

III. Prayer

Plaintiff James Phillip Waldron and Intervenor Bundren Law Group, PLLC move this Court to:

- (a) Declare the claims to be moot in light of the Committee's withdrawal of the Subpoena;
- (b) Dismiss with prejudice the Parties' claims against all defendants as to the declaratory and injunctive relief sought related to the Subpoena; and
- (c) For such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ S. Michael McColloch
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Attorney for Intervenor Bundren
Law Group, PLLC

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies the following: on December 16, 2022, counsel for Plaintiff Waldron received email confirmation of Defendant AT&T's request for dismissal of the claims in this case based upon receipt of the Committee's Letter withdrawing the underlying Subpoena; on December 16, 2022, counsel for the Plaintiff conferred by email with counsel for Defendant AT&T, who requested the filing of this motion and thus does not oppose it; on December 21, 2022, counsel for Plaintiff received email confirmation from counsel for Defendant Committee that the Letter is genuine. On December 21, 2022, counsel for Plaintiff conferred by telephone with W. Charles Bundren, counsel for Intervenor, and confirmed that Intervenor joins in this motion.

By: /s/ Karen Cook
Karen Cook, Esq.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 28, 2022, the foregoing document was filed with the Clerk for the United States District Court for the Eastern District of Texas using the CM/ECF electronic filing system, and that service of such filing will be made electronically on all counsel of record.

By: /s/ Karen Cook
Karen Cook, Esq.

EXHIBIT 1

(Personal Identifying
Information Redacted)

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

ZOE LOFGREN, CALIFORNIA
ADAM B. SCHIFF, CALIFORNIA
PETE AGUILAR, CALIFORNIA
STEPHANIE N. MURPHY, FLORIDA
JAMIE RASKIN, MARYLAND
ELAINE G. LURIA, VIRGINIA
LIZ CHENEY, WYOMING
ADAM KINZINGER, ILLINOIS



U.S. House of Representatives
Washington, DC 20515

january6th.house.gov
(202) 225-7800

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

December 14, 2022

AT&T
Global Legal Demands Center
11760 U.S. Highway 1
Suite 300
North Palm Beach FL 33408
c/o Ms. Amanda Potter
Assistant VP – Senior Legal Counsel
ap540m@att.com

Dear AT&T:

In my capacity as Chairman of the House Select Committee to Investigate the January 6th Attack on the U.S. Capitol (the “Select Committee”), I issued a subpoena to AT&T on February 1, 2022, requesting various relevant records related to specific phone numbers.

In light of the Select Committee’s successful efforts to obtain information key to its investigative mission and the advanced stage of the investigation, the Select Committee has determined that it no longer has a need to pursue the specific information relating to particular numbers that are covered by the subpoena. Further, the Select Committee will not attempt to obtain in the future any covered documents or information.

Therefore, through this letter, I hereby formally withdraw the subpoena issued to AT&T as it relates to the phone numbers listed in the Attachment to this letter and notify AT&T that it is no longer obligated to comply or produce records in response to said subpoena.

We appreciate your engagement with the Select Committee on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Bennie G. Thompson".

Bennie G. Thompson
Chairman

AT&T
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Attachment

[REDACTED]

[REDACTED]